REMARKS

In an Office Action mailed on July 5, 2005 ("OA"), the Examiner rejected all of pending claims 1-7 and 21-31 on various grounds. With this response, Applicants amend claims 1, 21-26, and 29-31 and cancel claims 27-28. After entry of this Amendment, claims 1-7, 21-26, and 29-31 will remain pending in this application. Applicants respectfully traverse the rejection and request reconsideration of all rejections based on the following remarks.

Claim Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 21-30 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. OA, ¶5. Applicants respectfully disagree since one of ordinary skill in the art would understand the claims to be directed to a computer-implemented invention. However, in order to further prosecution of the present application, Applicants have amended claims 21-26 and 29-30 as suggested by the Examiner and respectfully submit that this rejection has been overcome.

Claim Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 23-26 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. OA, ¶6. Applicants respectfully suggest that, in light of Applicants' amendments to claim 21 for other reasons, this rejection is rendered moot.

Claim Rejections Under 35 U.S.C. § 102

In order to establish a proper 102 rejection, each element of the claim must be disclosed expressly or inherently within the prior art. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully traverse the rejection of claims 1, 5, 21, 23-26, and 29-31 under 35 U.S.C. 102(e) as allegedly anticipated by Bordaz et al. (U.S. Patent No. 6,272,612; hereafter "Bordaz"). With this response, Applicants have amended independent claims 1, 21 and 29-31 to further clarify the invention and respectfully submit that all claims are patentable over Bordaz for at least the following reasons.

Bordaz does not teach or suggest a computer system where "the database system stores a first assignment of a first profile to the first memory portion and a second assignment of a second profile to the second memory portion, wherein the first profile is uniquely associated with only the first memory portion and the first application system and the second profile is uniquely associated with only the second memory portion and the second application system," as recited by amended claim 1.

Bordaz teaches memory allocation by way of a set of predefined memory allocation rules. Abstract. These rules take a profile that is "specific" to each application into account (col. 3, lines 56-58). The profiles, however, need not be unique to the application and more than one application can share the same profile. *See* col. 9, lines 27-29 ("a 'daughter' application can 'inherit' memory allocating rules associated with the 'mother' application that created it.").

Furthermore, Bordaz neither teaches or suggests that a profile is "uniquely associated" with only one memory portion. In fact, if two applications are associated with profiles containing the same memory allocation rules, logic dictates that the applications may in fact be assigned to the same memory portion.

In the Office Action, the Examiner notes that Applicants argued in a previous response that the "profile specific to each application in Bordaz is not unique." OA, ¶2. In response, the Examiner cited to Applicants' specification at paragraph 0055 where it states that "it is not necessary for the invention that only one profile is assigned to each application system." OA, ¶2. Applicants wish to clarify that, in the claimed invention, more than one profile may be assigned to any one application; however each profile is uniquely associated with only one memory portion as recited in amended claim 1. Furthermore, the memory portions are disjunctive, so each memory portion is "owned by" one application. Specification, p. 5, lines 29-31. Bordaz does not teach or suggest such a system and therefore does not anticipate claim 1.

Claims 2-7 depend on claim 1 and are patentable for the same reasons as claim 1. Therefore, claims 1-7 are allowable over Bordaz.

Independent claim 21 recites a method comprising a step of "assigning first and second memory portions to first and second application systems, respectively, using at least two predefined, unique profiles, a first profile uniquely associated with only the first memory portion and the first application system and a second profile uniquely associated with only the second memory portion and the second application system." As discussed above with respect to claim 1, Bordaz neither teaches nor suggests such

a step. Therefore, claim 21 is patentable over Bordaz, as are claims 22-26 which depend therefrom.

Each of claims 29, 30, and 31 are patentable over Bordaz for the same or similar reasons as discussed above with respect to claim 1. Claim 29 recites a database comprising two memory portions wherein "the first profile is uniquely associated with only the first memory portion and a first application system and the second profile is uniquely associated with only the second memory portion and a second application system." Claim 30 recites a "database computer having a memory logically partitioned into a first portion and a second portion, the portions being disjunctive, so that the first portion is reserved for data of the application system and the second portion is reserved for data of a further application system that is run by a further computer." Claim 31 also recites a memory with two disjunctive memory portions, each assigned a profile, and where "the first and second profiles are unique and are each uniquely assigned to one of the first and second memory portions." As discussed above with respect to claim 1, these elements are not taught or suggested by Bordaz and therefore claims 29-31 are not anticipated by Bordaz.

Claim Rejections under 35 U.S.C. § 103

The Examiner also rejected claims 2, 4, and 22 as unpatentable under 35 U.S.C. 103(a) over Bordaz. As shown above, Bordaz is insufficient to anticipate Applicants' claims 1 and 21. As claims 2, 4, and 22 depend from claims 1 and 21, respectively, they are patentable for at least the same reasons as claims 1 and 21. Therefore, claims 2, 4, and 22 are allowable over Bordaz.

Applicants note that they do not acquiesce to the Examiner's taking of Official Notice with regard to claims 2, 4, and 22. However, given that Applicants have traversed the rejection of claims 2, 4, and 22 on other grounds, Applicants decline to rebut the Examiner's arguments at this time, but reserve the right to do so if the Examiner maintains her objections.

The Examiner also rejected claims 3, 6, and 7 under 35 U.S.C. 103(a) as allegedly unpatentable over Bordaz in view of Fuji et al. (U.S. Patent No. 5,898,883; hereinafter "Fuji").

As discussed above, Bordaz does not teach each and every element of claim 1, from which these claims depend. Fuji does not overcome the deficiencies of Bordaz. Therefore, claims 3, 6, and 7 are allowable over Bordaz in view of Fuji.

Conclusion

In view of the foregoing amendments and remarks, claims 1-7, 21-26, and 29-31 are patentable over the cited art. Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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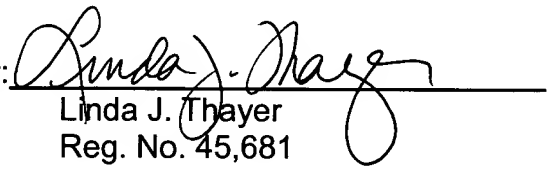
By: 
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